

**HOUSE COMMERCE COMMITTEE  
SUBCOMMITTEE ON FINANCE AND HAZARDOUS WASTE  
"FEDERAL BARRIERS TO ENVIRONMENTAL CLEANUPS"**

**February 14, 1997  
Columbus, Ohio**

**TESTIMONY OF JAMES D. DONOHOE  
ON BEHALF OF THE  
OHIO STEEL INDUSTRY ADVISORY COUNCIL**

Mr. Chairman and members of the Committee, my name is James D. Donohoe. I am Associate General Counsel and Secretary at Republic Engineered Steels in Massillon, Ohio. I am testifying today on behalf of the Ohio Steel Industry Advisory Council, in my capacity as Chairman of the Council's Environment Subcommittee. The Ohio Steel Industry Advisory Council is a legislatively created body comprised of representatives of major steel-making companies in the State, the Ohio Department of Development, the Ohio Board of Regents, the Ohio Senate, the Ohio House of Representatives, and the United Steelworkers of America. As its name implies, the Council's principal function is to advise the Governor of Ohio and the Ohio General Assembly on matters affecting the steel industry in Ohio. Federal and State environmental laws and regulations receive careful scrutiny of the Council on a regular on-going basis.

The Council is cognizant of the negative effect the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA" or "Superfund") 42 U.S.C. §9601 et. seq. has had upon the reuse and redevelopment of real estate in Ohio. CERCLA's liability scheme, coupled with the staggering costs of conducting an environmental cleanup in accordance with Superfund program requirements and ill-defined cleanup standards, has resulted in a widespread

reluctance to use or acquire "so-called" contaminated property. Manufacturers are reluctant to expand operations into existing commercial and industrial properties, developers are reluctant to acquire existing commercial and industrial properties for redevelopment, lenders are reluctant to loan on such properties and even public or non-profit entities shun such properties.

Although the problem flows largely from the federal liability scheme, Ohio has attempted to develop a program by which sites within the purview of the State's jurisdiction can be addressed in an effort to stimulate the redevelopment of commercial and industrial sites.

Ohio's Voluntary Action Program ("VAP"), enacted with passage of Am. Sub. S.B. 221 (120th Ohio General Assembly), seeks to stimulate the redevelopment of contaminated property in three major ways.

First, the Ohio legislation establishes a privatized mechanism by which a person may voluntarily undertake the investigation and remediation of contaminated property, establish that the property meets "applicable standards" and thereby obtain a "covenant-not-to-sue" from the Director of Ohio EPA releasing the volunteer from liability to the State for performing additional investigative and remedial work with respect to that property. The investigation is done under the supervision of a "certified professional". When the volunteer determines that the property meets applicable standards, he may seek a "no further action letter" from the certified professional. A no further action letter may be issued at any stage after a "Phase I" or "Phase II" assessment indicates the property meets applicable State standards or that State applicable standards have or will be achieved through remedial work. After receiving a no further action letter from a certified professional with accompanying verification, the Director must issue a covenant not-to-sue

releasing the person who undertook the voluntary action from all civil liability to the State for performing additional investigative and remedial activities.

Second, the Ohio legislation establishes a liability scheme which exempts those who neither caused nor contributed in any material respect to the release of hazardous substances from liability for the costs of investigation and cleanup. The legislation establishes a cause of action for recovery of the cost of performance of the voluntary action by the volunteer from any persons who caused or contributed to a release of hazardous substances on a property being voluntarily remediated, along with owners and operators of the property at the time of release. Specifically exempted from the liability scheme are, inter alia:

1. Persons who neither caused nor contributed in any material respect to the release of hazardous substances nor undertook contractual liability for conducting the voluntary action;
2. Landlords who did not and could not reasonably know that the actions of their tenants were likely to have caused or contributed to a release;
3. The holder of a security interest in the property who meets the requirements of the statute (which is essentially a state codification of U.S. EPA's lender liability rule);
4. A fiduciary or trustee who meets the requirements of the statute.

Only those costs which are "cost-effective and reasonably necessary" are recoverable and the costs of work performed to render the property suitable for a higher use than its current or most recent use are not recoverable.

Finally, the Ohio legislation provides for a number of financial incentives to performance of remedial work, including low interest loans and a tax abatement.

The Ohio Steel Industry Council was a supporter of the establishment of Ohio's Voluntary Action Program as an important first step toward stimulating redevelopment of urban industrial

and commercial properties. The universe of sites eligible to participate in Ohio's VAP is, however, limited, due to constraints imposed by preemptive federal law. Specifically excluded from participation in Ohio's VAP are properties listed on the National Priorities List for federally supervised cleanup under CERCLA and sites undergoing corrective action under the Resource Conservation and Recovery Act ("RCRA") by order or permit. In addition, it is, as yet, unclear how federal program requirements will interplay with Ohio's VAP.

The Council would like to assure that any cleanup performed in accordance with Ohio's Voluntary Action Program is a cleanup that will not be "second guessed" by the federal government under conflicting or duplicative federal program demands. Achievement of State standards determined to be protective of public health and safety should satisfy federal program requirements as well. A volunteer should not be placed in the untenable position of having to address conflicting, or duplicative, demands of regulatory agencies.

In addition, the Council would like to see some of the principles reflected in Ohio's VAP incorporated into federal program requirements, including the requirements of the RCRA corrective action program which will probably have a more dramatic impact on the steel industry than CERCLA. Those principles include:

1. Cleanup standards that are risk-based and consistent with the future use of the property;
2. Streamlined procedures for investigation and remediation;
3. Risk assessment protocols which call for reasonable exposure assumptions;
4. Utilization of institutional and engineering controls to achieve cleanup objectives.

Finally, federal program requirements should complement state voluntary action programs. For example, the desire to avoid active management of remediation wastes which were not hazardous wastes at the time of generation, to thereby avoid subjecting that waste to the full panoply of RCRA regulation, should not act as a disincentive to environmentally beneficial cleanup objectives. Remediation wastes should be exempted from classification as hazardous waste so long as they are managed in an appropriate manner under the supervision of the State regulatory agency. As another example, the financial assurance requirements of the RCRA Corrective Action Program should be flexible enough to help ensure that the entity responsible for the cleanup remains financially capable of doing so.

While Ohio's Voluntary Action Program represents an important first step toward stimulating redevelopment of contaminated property in the State of Ohio, it is clear that relief is necessary on the federal level to ensure that (1) cleanups performed pursuant to Ohio's VAP are not subject to conflicting or duplicative federal program demands and (2) that federal program requirements are otherwise revised to complement state voluntary action programs.

I am enclosing copies of two positions statements adopted previously by the Council for your consideration: The first, a Position Statement on "Brownfields" Initiatives and the second, a Position Statement on H.B. 2500 (104th U.S. Congress) which more fully set forth the Council's views on these issues.

Thank you for the opportunity to testify before the Subcommittee today.

**OHIO STEEL INDUSTRY ADVISORY COMMISSION**  
**POSITION ON "BROWNFIELDS" INITIATIVES**

**ISSUE:**

Since the enactment of CERCLA in 1980, the fear of uncertain environmental liability in connection with "ownership" of existing industrial or commercial properties (commonly referred to as "brownfields") has had a profoundly negative effect on commercial real estate transactions. The fear of uncertain environmental liability has resulted in individuals and businesses abandoning existing "brownfields" properties and instead, looking to previously unused properties as sites for business creation and expansion. In recognition of the need to counteract these negative effects and to encourage revitalization of Ohio's existing "brownfields" properties and job creation within the State, legislation establishing a voluntary cleanup and reuse program was drafted and is currently pending in the Ohio legislature. In considering such legislation, Ohio joins a number of other states which are currently establishing or which have already established similar programs. Additionally, there are a number of "brownfields" legislative initiatives currently pending at the federal level.

**DISCUSSION:**

There exist a number of impediments to redevelopment of Ohio's former urban industrial and commercial properties. Chief among these is the uncertainty associated with potential environmental liabilities for the cleanup of such properties. This uncertainty is primarily created by (1) the "strict, joint and several" liability scheme of the federal Superfund statute, (2) the lack of clear guidance as to what a property assessment should include to determine whether a particular site is contaminated, (3) the lack of consistent cleanup standards, and (4) the Ohio Environmental Protection Agency's ("Ohio EPA") regulatory programs. As a result of these environmental "risks," businesses are afraid to move into former industrial and commercial properties, bankers refuse to lend on such properties, and even public or non-profit entities avoid any interest in such property.

While current "brownfields" initiatives, including Ohio S.B. 221, which include proposals to create some type of voluntary remediation program designed to alleviate the difficulty inherent in the transfer of contaminated property, as well as efforts to provide economic incentives for redevelopment of former industrial sites, deserve serious consideration by state and federal legislatures, they do not go far enough. Practical solutions, such as containment of existing pollution at former industrial and commercial sites in appropriate cases, are urgently needed by the business community, and in particular the manufacturing sector, to make reuse and redevelopment of existing industrial and commercial properties throughout the State economically feasible.

**RECOMMENDATION:**

The Ohio Steel Industry Advisory Commission supports Ohio S.B. 221 because it creates a voluntary program for the cleanup of industrial sites based on standards set to the expected use of the property. The Commission also supports the general concepts underlying other "brownfields" initiatives currently pending at both the state and federal levels. The Commission believes, however, that such initiatives should be expanded to fully address impediments to revitalization and job creation in Ohio's urban industrial and commercial areas. Special emphasis on the economic realities of revitalization of such properties, is necessary in order to create laws that will maximize revitalization and job creation in Ohio.

**Background Information Regarding  
The Ohio Steel Industry Advisory Commission's  
Position on "Brownfields" Initiatives**

In 1980, Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §9601 et seq., in order to provide for the cleanup of inactive facilities at which an actual or threatened "release" of "hazardous substances" has taken place. One of the key aspects of CERCLA is the "Superfund", a trust fund administered by the government to finance cleanup and remedial work. The United States Environmental Protection Agency ("U.S. EPA") may use monies from the fund to finance cleanups and to pursue cost recovery against those "responsible" for the contamination. "Responsible parties" are defined to include, inter alia, a facility's current "owners and operators," as well as former owners and operators at the time of disposal. Liability among responsible parties generally is joint and several, so that any such party may be held liable for the entire cost of cleanup. Because liability is also strict, even "innocent" parties who did not directly cause the contamination may be responsible for cleanup.<sup>1</sup>

As a result of CERCLA's strict, joint and several liability scheme and judicial decisions interpreting that scheme, manufacturers' attempts to create or expand operations into existing commercial or industrial properties have been halted by the fear of uncertain environmental liabilities. Additionally, developers are afraid to redevelop former industrial and commercial properties, bankers refuse to lend on such properties, and even public or non-profit entities avoid any interest in such properties. Recognizing the reluctance of individuals and businesses to reutilize and redevelop existing industrial and commercial properties as a result of the fear of uncertain environmental liability, in November 1991, Governor George Voinovich of the State

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<sup>1</sup> In addition to manufacturers and developers, banks that have made loans on these properties have been among the "owners and operators" that have been subjected to liability for environmental contamination. While Congress exempted from the definition of "owner or operator" a "person who, without participating in the management of a vessel or facility, holds indicia of ownership primarily to protect his security interest in the vessel or facility" (commonly known as "the secured creditor exemption"), judicial decisions interpreting the scope of the secured creditor exemption have varied widely. For a time, the widespread belief was that the exemption protected lenders who limited their participation in the debtor's affairs to financial affairs, rather than day-to-day operational matters. Considerable discomfort occurred in banking circles in 1990, however, when the United States Court of Appeals for the Eleventh Circuit announced its decision in United States v. Fleet Factors Corp., 901 F.2d 1550 (11th Cir. 1990), cert. denied, 489 U.S. 1046 (1991). In Fleet Factors, the Court held that a secured creditor may be liable under CERCLA if its involvement with the facility is sufficiently broad to support an inference that the lender could have affected the facility's waste management decisions. Thus, the decision clearly suggested that a lender's unexercised capacity to influence the borrower's environmental decision making, rather than actual involvement in such decisionmaking, was sufficient to defeat the secured creditor exemption under CERCLA.

The conflict in judicial interpretation resulted in a lack of guidance in (1) the extent to which lenders could involve themselves in the affairs of a facility without "participating in the management" for purposes of CERCLA's secured creditor exemption, and (2) the extent to which foreclosure converted a security interest into an actual ownership interest for purposes of CERCLA liability. In 1992, guidance was offered in the form of U.S. EPA's Lender Liability Rule, which defined, in considerable detail, the scope of the secured creditor exemption and the specific activities that may be taken by a lender without losing the exemption's protection. Recently, however, the Lender Liability Rule was vacated by the United States Court of Appeals for the District of Columbia Circuit, resulting once again in the threat to lenders of uncertain environmental liability.

of Ohio, requested the organization of an Urban Industrial Property Revitalization Task Force ("Task Force"). The Task Force was organized to study existing environmental impediments to revitalization of Ohio's former industrial properties, and to make recommendations for policies to encourage the revitalization of these properties. In February 1993, the Task Force released a report entitled "Removing the Barriers to the Redevelopment of Ohio's Abandoned Urban Industrial Property" ("Task Force Report").<sup>2</sup>

The Task Force Report identified the following five major barriers to reuse of industrial property in Ohio: (1) the federal Superfund statute, which makes "owners" and "operators" of property strictly liable for cleanup regardless of whether they had anything to do with creating the problem, (2) the refusal of bankers to lend money on old industrial property for fear of environmental liability, (3) the lack of clear guidance as to what a property assessment should include to determine whether a particular site is contaminated, (4) the lack of consistent cleanup standards, and (5) Ohio EPA's regulatory programs.<sup>3</sup>

In direct response to the conclusions reached in the Task Force Report, the Governor's office assembled a Real Estate Reuse and Cleanup Law Workgroup ("Workgroup") for the purpose of drafting legislation at the state level that would address the problems identified by the Task Force Report, and encourage the reuse of existing industrial and commercial properties. Efforts by the Workgroup resulted in S.B. 221, which was introduced in the legislature by State Senator Betty Montgomery in March 1993. S.B. 221 has three basic purposes (1) to establish a voluntary program for the cleanup of lands contaminated by hazardous substances and petroleum, (2) to create a right of action for the recovery of costs associated with such cleanups, and (3) to provide tax exemptions for the increase in value resulting from such cleanups.

There are several important general concepts (a number of which are included in S.B. 221) which are likely to have a positive impact upon efforts to revitalize former urban industrial and commercial properties. Key among these are (1) the establishment of cleanup standards based upon the intended "use" of the property, whether it be residential, commercial, or industrial; (2) the development of "reasonable assumptions" for risk assessments; (3) secured creditor exemptions to encourage lenders to provide financing for redevelopment without fear of acquiring uncertain environmental liabilities; (4) provisions limiting the admissibility and discoverability of information, documents, reports or other data collected during a voluntary cleanup; (5) provisions for cost recovery from third parties (based upon a parties' respective degree of responsibility), against those who owned the property at the time of contamination or who contributed to the contamination; (6) tax abatements; (7) low interest loans for revitalization of urban industrial and commercial properties; (8) privatization of the oversight of the cleanup process so as to permit the cleanup of large numbers of low priority sites; (9) the establishment of an industrial development support plan to encourage urban redevelopment (e.g., enhance the utilities, roads, shield residential areas through condemnation of areas to create isolation zones, and make zoning changes); and (10) communicating with lenders or developers to determine those areas most likely to be developed.

Ohio is not alone in its desire to encourage the reuse and redevelopment of existing industrial and commercial properties through the creation of some type of voluntary clean up program. Others states, most notably Indiana, have enacted similar initiatives. Additionally, there are a number of "brownfields" bills pending at the federal level. These include (1) the Clinton Administration's recently proposed "Superfund Reform Act of 1994" (S. 1834 and H.R. 3800), which would require U.S. EPA to establish a program to provide technical and other assistance to states to establish and expand voluntary cleanup programs; (2) H.R. 3843, which would require U.S. EPA to establish a program under which states may be certified to carry out

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<sup>2</sup>See Task Force Report at Introduction.

<sup>3</sup>See generally, Task Force Report at 4-8.

voluntary environmental cleanup programs for low and medium priority sites; and (3) H.R. 3844, which would authorize U.S. EPA to provide loans to states to establish revolving loan funds for the environmental cleanup of sites in distressed areas that have the potential to attract private investment and create local employment.<sup>4</sup>

Practical solutions are urgently needed to eliminate the impediments to industrial reuse and redevelopment of properties having only minimal environmental contamination. Creation of some type of voluntary investigation and remediation program in particular, may provide an appropriate vehicle for encouraging prospective owners and lenders to invest in these properties. While this program, along with other proposed initiatives, provide a sound foundation upon which to build comprehensive legislation aimed at removing environmental impediments to urban revitalization, they do not go far enough. Further proposals, such as requiring only containment of existing pollution at former industrial and commercial sites without the requirement of mandatory cleanup, are urgently needed by the business community, and in particular the manufacturing sector, to make reuse and redevelopment of existing industrial and commercial properties throughout the State economically feasible.

The Ohio Steel Industry Advisory Commission supports Ohio S.B. 221 because it creates a voluntary program for the cleanup of industrial sites based on standards set to the expected use of the property. The Commission also supports the general concepts underlying other "brownfields" initiatives currently pending at both the state and federal levels. The Commission believes, however, that such initiatives should be expanded to fully address impediments to revitalization and job creation in Ohio's urban industrial and commercial areas. Special emphasis on the economic realities of revitalization of such properties, is necessary in order to create laws that will maximize revitalization and job creation in Ohio.

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<sup>4</sup> A summary each of these bills (along with S.B. 221) is attached hereto as Attachment A.

**OHIO STEEL INDUSTRY ADVISORY COMMISSION**  
**POSITION ON H.R. 2500 (104th U.S. CONGRESS)**

**ISSUE:**

For Ohio steel companies, the impact of the RCRA corrective action program exceeds that of the Superfund program in terms of both number of sites impacted and the total cost of the program. Since corrective action programs affect active industrial sites, rigid statutorily imposed treatment requirements, restrictive remediation waste disposal options and inflexible financial assurance requirements in the corrective action program all threaten the continued viability of companies involved in the program. Corrective action reform which targets these areas is of vital importance to the Ohio steel industry.

**DISCUSSION:**

The Ohio Steel Industry Advisory Commission ("the Commission") believes that effective legislative reform of the corrective action program must address three critical and costly issues: (1) remedy selection; (2) the disposition of remediation wastes; and (3) financial assurance. To address site-specific conditions, the remedy selection process must incorporate realistic and practical risk assessments which allow for flexible and balanced remedy selection decisions. The selection process must also take into account that corrective action sites are typically ongoing manufacturing operations that provide a continuing benefit to the local economy. The rigid statutory treatment requirements in the corrective action program preclude consideration of important practical factors such as current and reasonable anticipated future uses of land and groundwater. Also, in order to promote expeditious and cost-effective cleanups, the Commission believes that wastes generated during remediation should be exempt from regulation as hazardous waste, as long as they are managed in a manner that is protective of the environment. Lastly, financial assurance requirements should not be so onerous as to jeopardize the continued economic viability of the company involved in the corrective action program. The financial assurance requirements must be reformed to allow for the use of flexible and innovative financial mechanisms.

**RECOMMENDATION:**

The Commission supports H.R. 2500 introduced before the 104th U.S. Congress by Representative Michael G. Oxley (R-Findlay) earlier this year. The bill encompasses those legislative reforms to the corrective action program which are important to the Ohio steel industry and goes a long way toward rectifying many of the problems with both the corrective action program and Superfund. This legislative reform package addresses many of the Commission's concerns with regard to the principles of remedy selection, remediation waste disposition and financial assurance requirements. Further, H.R. 2500 recognizes the need for federal voluntary cleanup legislation to remove the major obstacle to the redevelopment of urban industrial and commercial properties. The Commission encourages Ohio EPA and the Governor to support this important reform initiative.

**Background Information Regarding**  
**The Ohio Steel Industry Advisory Commission's**  
**Position on H.R. 2500 and Corrective Action Reform**

U.S. EPA is authorized under RCRA Section 3008 to require corrective action for the release of hazardous waste from any solid waste management unit ("SWMU") at a RCRA permitted hazardous waste facility. RCRA also requires that certain financial mechanisms be in place to guarantee completion of the corrective action. U.S. EPA has used these provisions to authorize the cleanup of hazardous constituents anywhere at a regulated facility regardless of whether the hazardous constituents originated from a SWMU. Moreover, the Agency's broad-brush approach to cleanup includes groundwater remediation to health-based standards and soil remediation regardless of the actual exposure risk within a large ongoing industrial complex such as a steel mill. This approach has led to a program whose costs outstrip even those of Superfund. In a study conducted for the American Iron and Steel Institute by Remcor, Inc., it was estimated that the cost of corrective action for the domestic steel industry could reach \$3 billion.

To be most effective, the Commission believes that legislative reform must address three critical and costly issues: (1) remedy selection; (2) the disposition of remediation wastes; (3) and financial assurance. Initially, the Agency must prioritize corrective action and eliminate the current focus on cleanup of all releases from SWMUs regardless of the actual risk presented by the release. U.S. EPA's "shot-gun" approach wastes valuable and finite resources which could be more meaningfully directed. To ensure that corrective action cleanups are cost-effective, a wide range of remediation alternatives must be evaluated on equal footing to achieve adequate protection of public health and the environment. These measures should include treatment and disposal, containment, institutional controls and natural attenuation and, in the case of groundwater, treatment at the tap or wellhead should be expressly recognized as an available alternative. Statutorily imposed treatment requirements must be eliminated in favor of realistic site-specific risk assessments allowing for balanced and flexible remedies. Also incorporated into the remedy selection process must be consideration of the current and reasonable anticipated future use of the land and the groundwater. Further, the schedules for the implementation of the selected remediation method should reflect the immediacy and extent of the risks posed by conditions at the site.

To promote expeditious and cost-effective cleanups, wastes generated during remediation should be exempted from classification and regulation as hazardous wastes. Although these wastes must be handled in a manner that is protective of the environment and subject to regulatory agency oversight, the management of these wastes as hazardous under RCRA needlessly forecloses safe and cost-effective disposal options. The determination of appropriate waste management alternatives should be made on a site-specific basis.

The third critical area for legislative reform centers on financial assurance requirements. The Commission believes that a facility's financial assurance requirements for corrective action should be keyed to facility-specific schedules to preserve the long-term financial viability of the facility and its ability to continue in business and fulfill its long-term corrective action obligations. These requirements should not require that the facility assure the total cost of all corrective measures in advance; rather, the corrective action program should provide for alternatives to allow facilities to include requisite financial assurances in their short-term business plans and to update those assurances on a rolling basis. If a company is required to put up the total cost of eventual cleanup up front, thereby eliminating the economic benefits of phased corrective action or phased remedy implementation, it may be out of business before it can implement its corrective action plan or remedy.

Financial assurance mechanisms should include any combination of insurance, guarantee, surety bond, letter of credit, trust agreement or qualification as a self-insurer. The financial test to qualify as a self-insurer should reflect modern accounting practices and be flexible enough to automatically compensate for

changes in generally accepted accounting practices. Currently, financial tests that companies must meet require that net worth and working capital equal at least six times the potential environmental cleanup liability and that operating income be at least 10% of total liabilities. The high cost of corrective action makes it unlikely that financially healthy companies could meet the test. As a result, an overly stringent financial requirement could have the unfortunate result of forcing some facilities that are otherwise able to meet their corrective action responsibilities over time to immediately become insolvent and to become a remediation burden on Superfund. Moreover, traditional financial assurance mechanisms have the disadvantage of having to be fully collateralized; that is, each dollar of required financial assurance must be guaranteed by a real dedicated dollar set-aside. Such mechanisms are impractical for the tremendous costs associated with current corrective action programs.

As components of Superfund and corrective action reform, the Commission believes that remedy selection, corrective action, remediation wastes, and federal brownfields initiatives are exceedingly important issues to the Ohio steel industry. Representative Michael G. Oxley (R-Findlay) has introduced before the 104th U.S. Congress, a bill to reform the federal Superfund program which also includes a number of RCRA corrective action reforms. The Commission fully supports Representative Oxley's efforts toward reform and the principles embodied in H.R. 2500.

## **JAMES D. DONOHUE**

Mr. Donohue is currently employed by Republic Engineered Steels, Inc. as Associate General Counsel and Corporate Secretary. He is a graduate of Cornell University (BS), Catholic University of America (JD) and Case Western Reserve University (MBA) and is a member of the Bar in Ohio, Pennsylvania and New York. He has been active in the steel industry since 1973 with wide ranging experience in environmental matters. He currently serves as Chairman of the Environment Subcommittee of the Ohio Steel Industry Advisory Council.

## **DISCLOSURE**

The Ohio Steel Industry Advisory Council has not received any federal grant (or subgrant thereof) or contract (or subcontract) during the current fiscal year or either of the two preceding fiscal years. Additionally, James D. Donohoe personally has not received any federal grant (or subgrant thereof) or contract (or subcontract) during the current fiscal year or either of the two preceding fiscal years.